United States District Court
Southern District of Texas
ENTERED
November 08, 2016
David J. Bradley, Clerk

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
VICTORIA DIVISION

JOSE ANGEL ALVAREZ,	§	
TDCJ #1524956,	§	
Plaintiff,	§	
	§	
v.	§	CIVIL ACTION NO. V-13-0015
	§	
HENRY I. NIETO,	§	
Defendant.	§	

ORDER

In this prisoner civil rights case, Plaintiff Jose Angel Alvarez has appealed this Court's judgment in favor of Defendant. Plaintiff proceeds *pro se* and *in forma pauperis* on appeal. Plaintiff has filed a Motion Requesting a Transcript [Doc. # 151] at government expense. Plaintiff's Motion provides no reason why the transcript is necessary. The Fifth Circuit's docket indicates that appellate briefing was complete as of May 12, 2016.

A district court may authorize a transcript at government expense for persons permitted to appeal *in forma pauperis* if the court "certifies that the appeal is not frivolous (but presents a substantial question)." 28 U.S.C. § 753(f). A prisoner's indigent status, standing alone, is not enough to justify a transcript free of charge. "[T]o succeed on a motion for production of transcripts at government expense, a party must also show why the transcripts are necessary for proper disposition of his appeal." *Norton v. Dimazana*, 122 F.3d 286, 293 (5th Cir. 1997). If the litigant fails to demonstrate a particular need for a transcript or raise a substantial question, the court may properly deny the request. *Harvey v. Andrist*, 754 F.2d 569, 571 (5th Cir. 1985).

Because Plaintiff has provided no reason why the transcript is necessary it is hereby

ORDERED that Plaintiff's Motion Requesting a Transcript [Doc. # 151] is **DENIED without prejudice**. The Court will entertain a renewed motion for a transcript from Plaintiff if accompanied by a statement from Plaintiff explaining why the transcript is necessary for his appeal.

The Clerk will provide a copy of this order to the parties.

SIGNED at Houston, Texas, on the 8th day of November, 2016.

NANCY F. ATLAS
SENIOR UNITED STATES DISTRICT JUDGE